

article would not be safe or appropriate for use in transfusions to prevent the clotting of blood.

On September 22, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$500 on each of 8 counts, a total of \$4,000.

**1052. Misbranding of Re-Sude-Oids. U. S. v. 20 Packages of Re-Sude-Oids. Default decree of condemnation and destruction. (F. D. C. No. 10033. Sample No. 42658-F.)**

On or about June 18, 1943, the United States attorney for the District of Oregon filed a libel against 20 packages of Re-Sude-Oids at Portland, Oreg., alleging that the article had been shipped on or about May 11, 1943, by the American Medicinal Products, Inc., from Los Angeles, Calif.; and charging that it was misbranded.

Examination showed that the article consisted of capsules containing, in each, approximately 0.68 grain thyroid, 0.41 grain potassium iodide, 0.02 grain phenolphthalein and dried glandular tissue.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage and with the frequency or duration prescribed, recommended, and suggested in the labeling thereof: (On bottle label, carton, and circular enclosed in the package) "Take one capsule daily for six days, then one capsule twice a day for six days, then one capsule three times a day with all following bottles." The article was alleged to be misbranded further in that the statements appearing in its labeling which created the impression in the minds of readers that the article was a safe, appropriate, and effective treatment for obesity were false and misleading, since the article was not a safe, appropriate, or effective treatment for such conditions, but was a potentially harmful drug.

On August 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS**

**1053. Misbranding of Chynos. U. S. v. Watchung Laboratories and Emil J. Widmer. Pleas of guilty. Fines, \$50 on count 1 and \$500 on count 2 as to each defendant. Payment of fines on count 2 suspended and defendants placed on probation. (F. D. C. No. 9642. Sample No. 18924-F.)**

On June 3, 1943, the United States attorney for the District of New Jersey filed an information against the Watchung Laboratories, a corporation, Bound Brook, N. J., and Emil J. Widmer, president and treasurer of the corporation, alleging shipment on or about October 26 and December 12, 1942, from the State of New Jersey into the State of New York of quantities of the above-named product.

Analyses of samples of the article showed that it was in the form of tablets which consisted essentially of aminopyrine (approximately 2 grains per tablet) and by hydroxyquinoline sulfonic acid.

The article was alleged to be misbranded in that it was not designated solely by a name recognized in an official compendium; it was fabricated from two or more ingredients, one of which was aminopyrine (amidopyrine); and its label did not bear the common or usual name of each active ingredient, including the quantity or proportion of aminopyrine named therein. It was alleged to be misbranded further in that it contained aminopyrine, which might cause the serious blood disturbance known as agranulocytosis, and might therefore produce serious or fatal injury unless used under adequate and continuous medical supervision; and its label failed to bear such adequate warnings against unsafe dosage or methods or duration of administration in such manner and form as are necessary for the protection of users.

On June 21, 1943, the defendants having entered pleas of guilty, the court imposed upon each defendant a fine of \$50 on count 1 and a fine of \$500 on count 2. Payment of the fines on count 2 were suspended, and the defendants were placed on probation for a period of 1 year.

**1054. Adulteration and misbranding of effervescing solution citrated magnesia. U. S. v. Henry Perlmuter (Crystal Drug and Magnesia Co., and White-Stone Laboratories). Plea of guilty. Fine, \$50. (F. D. C. No. 9655. Sample No. 19441-F.)**

On June 22, 1943, the United States attorney for the District of Massachusetts filed an information against Henry Perlmuter, trading as the Crystal Drug and Magnesia Co. and as the White-Stone Laboratories, Dorchester,

Mass., alleging shipment on or about August 5, 1942, from the State of Massachusetts into the State of Rhode Island of a quantity of the above-named product.

The article was alleged to be adulterated in that it purported to be solution of magnesium citrate, a drug the name of which was recognized in the United States Pharmacopoeia (eleventh revision), an official compendium, but its strength differed from and its quality fell below the standard set forth therein, since the compendium provided that solution of magnesium citrate should contain, in each 100 cc., an amount of magnesium citrate corresponding to not less than 1.6 gram of MgO (magnesium oxide), and should contain citric acid and syrup in the proportion of 33 grams of citric acid and 60 cc. of syrup to each 350 cc., whereas the article contained little if any magnesium citrate, but did contain magnesium sulfate, a substance which is not contained in solution of magnesium citrate compounded in accordance with the standard set forth in the compendium, in an amount corresponding to 1.14 grams of magnesium oxide per 100 cc.; and the article contained citric acid in the proportion of not more than 2 grams per 350 cc., and syrup in the proportion of not more than 29 cc. to each 350 cc.; and its difference in strength, quality, and purity from the standard set forth in the compendium was not stated on its label.

The article was alleged to be misbranded in that its label failed to bear adequate warnings against use in those pathological conditions wherein its use might be dangerous to health, and against unsafe dosage or duration of administration, in such manner and form as are necessary for the protection of users, since the article was a laxative and its labeling failed to bear a warning that it should not be taken when nausea, vomiting, abdominal pains, or other symptoms of appendicitis are present; and that frequent or continued use of the article might result in dependence on laxatives to move the bowles.

On July 6, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25 on each of 2 counts, a total fine of \$50.

**1055. Adulteration and misbranding of Cocoa Quinine. U. S. v. 58 $\frac{2}{3}$  Dozen Packages of Cocoa Quinine. Default decree of condemnation. Product ordered delivered to government hospitals. (F. D. C. No. 9609. Sample No. 10264-F.)**

Examination showed that this product contained from 8.5 to 9.72 grains of quinine per fluid ounce, and that the bottles contained from 1.79 to 1.86 fluid ounces.

On March 31, 1943, the United States attorney for the Southern District of Alabama filed a libel against 58 $\frac{2}{3}$  dozen packages of Cocoa Quinine at Mobile, Ala., alleging that the article had been shipped on or about November 17, 1942, from Blakeley, Ga., by the South Georgia Manufacturing Co.; and charging that it was adulterated and misbranded. The article was labeled in part: "Home Brand Cocoa Quinine."

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, namely, "Contains in each fluid ounce Quinine Sulfate 10 Grains."

It was alleged to be misbranded in that the statements appearing in its labeling, "Contains in each fluid ounce Quinine Sulfate 10 Grains \* \* \* Net Contents 2 Ounces," were false and misleading; in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and in that its label did not bear adequate directions for its use, since the directions on the label did not specify the dose for children between the ages of 1 and 10.

On July 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to government hospitals to be dispensed to the inmates thereof.

**1056. Adulteration and misbranding of blue ointment. U. S. v. Herman Achs (Certified Laboratories). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 9659. Sample No. 23328-F.)**

On July 21, 1943, the United States attorney for the Eastern District of Pennsylvania filed an information against Herman Achs, trading as the Certified Laboratories, Philadelphia, Pa., alleging shipment on or about January 11, 1943, from the State of Pennsylvania into the State of New Jersey of a quantity of blue ointment.

The article was alleged to be adulterated in that it purported to be and was represented as blue ointment, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from and its quality fell below the standard set forth therein, since the com-